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Dated: July 20, 2007

Signature:

(Leah Kjellen)

Patent  
Docket No. 416272005200

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Marc K. HELLERSTEIN

Serial No.: 10/701,990

Filing Date: November 4, 2003

For: DEUTERATED GLUCOSE OR FAT  
TOLERANCE TESTS FOR HIGH-  
THROUGHPUT MEASUREMENT OF  
THE METABOLISM OF SUGARS OR  
FATTY ACIDS IN THE BODY

Examiner: R. Gitomer

Group Art Unit: 1657

### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicant submits for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of non-patent literature are submitted herewith. A copy of U.S. Patent Application No. 11/796,438 (document no. 15 on the attached Form PTO/SB/08a/b) is not included herewith. This protocol conforms with the waiver of the requirement under 37 CFR § 1.98 to provide copies of pending U.S. Patent Applications. The Examiner is requested to make these documents of record.

07/24/2007 TNGUYEN2 00000028 031952 10701990

01 FC:1806 180.00 DA

sf-2338178

## Supplemental Information Disclosure Statement

This Supplemental Information Disclosure Statement is submitted:

- With the application; accordingly, no fee or separate requirements are required.
- Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.**
  - A fee is required. A check in the amount of \_\_ is enclosed.
  - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.**
  - A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_ is enclosed.
  - A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicant would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist;

## Supplemental Information Disclosure Statement

(iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **416272005200**.

Dated: July 20, 2007

Respectfully submitted,

By Michael R. Ward  
Michael R. Ward  
Registration No.: 38,651

MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: (415) 268-6237  
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Effective on 12/08/2004.

Cuts pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00)

Complete if Known	
Application Number	10/701,990
Filing Date	November 4, 2003
First Named Inventor	Marc K. HELLERSTEIN
Examiner Name	R. Gitomer
Art Unit	1657
Attorney Docket No.	416272005200

**METHOD OF PAYMENT** (check all that apply)

Check     Credit Card     Money Order     None     Other (please identify): \_\_\_\_\_  
 Deposit Account    Deposit Account Number: 03-1952    Deposit Account Name: Morrison & Foerster LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below     Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17     Credit any overpayments

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	0.00
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Small Entity	
Fee (\$)	Fee (\$)
50	25
200	100
360	180

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
- 20 =	0	x	=		0.00
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)		
- 3 =	0	x	=		

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
				= 0.00
- 100 =				

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1806 Information Disclosure Statement

180.00

**SUBMITTED BY**

Signature	Michael R. Ward	Registration No. (Attorney/Agent)	38,651	Telephone	(415) 268-6237
Name (Print/Type)	Michael R. Ward		Date	July 20, 2007	



Substitute for form 1449/PTO				Complete if Known	
				Application Number	10/701,990
				Filing Date	November 4, 2003
				First Named Inventor	Marc K. HELLERSTEIN
				Art Unit	1657
				Examiner Name	R. Gitomer
Sheet	1	of	2	Attorney Docket Number	416272005200

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear <sup>2</sup>
		Number-Kind Code <sup>3</sup> (if known)			
1.	US-6,808,875-A1	10-26-2004	Hellerstein		
2.	US-20050147558-A1	07-07-2005	Hellerstein		
3.	US-20050201937-A1	09-15-2005	Hellerstein		
4.	US-20050202406-A1	09-15-2005	Hellerstein		
5.	US-20050238577-A1	10-27-2005	Hellerstein		
6.	US-20050249664-A1	11-10-2005	Hellerstein		
7.	US-20060008796-A1	01-12-2006	Hellerstein		
8.	US-7,001,587-B2	02-21-2006	Hellerstein		
9.	US-7,022,834-B2	04-04-2006	Hellerstein		
10.	US-20060094057-A1	05-04-2006	Hellerstein		
11.	US-20060105339-A1	05-18-2006	Hellerstein		
12.	US-20060204439-A1	09-14-2006	Hellerstein		
13.	US-20060251576-A1	11-09-2006	Hellerstein		

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear <sup>2</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)			
					T <sup>6</sup>

\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T <sup>2</sup>
	14.	Maric, D. et al. (2000). "Functional Ionotropic Glutamate Receptors Emerge During Terminal Cell Division and Early Neuronal Differentiation of Rat Neuroepithelial Cells," <i>Journal of Neuroscience Research</i> 61(6):652-662.			
	15.	United States Patent Application No. 11/796,438, filed April 26, 2007 for Hellerstein.			
	16.	U.S. Office Action mailed on July 21, 2006, for U.S. Application No. 10/963,967 filed on October 12, 2004, 7 pages.			
	17.	U.S. Office Action mailed on January 11, 2007, for U.S. Application No. 10/963,967 filed on October 12, 2004, 6 pages.			
	18.	U.S. Office Action mailed on March 5, 2007, for U.S. Application No. 10/366,125 filed on February 12, 2003, 6 pages.			
	19.	U.S. Office Action mailed on June 26, 2006; for U.S. Application No. 10/366,125 filed on February 12, 2003, 11 pages.			
	20.	U.S. Office Action mailed on October 18, 2005, for U.S. Application No. 10/366,125 filed on February 12, 2003, 29 pages.			
	21.	U.S. Office Action mailed on March 30, 2006, for U.S. Application No. 10/664,513 filed on September 16, 2003, 15 pages.			

Examiner Signature	Date Considered
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Substitute for form 1449/PTO				<b><i>Complete if Known</i></b>	
				Application Number	10/701,990
				Filing Date	November 4, 2003
				First Named Inventor	Marc K. HELLERSTEIN
				Art Unit	1657
				Examiner Name	R. Gitomer
Sheet	2	of	2	Attorney Docket Number	416272005200

22.	U.S. Office Action mailed on October 20, 2005, for U.S. Application No. 10/664,513 filed on September 16, 2003, 12 pages.	
23.	U.S. Office Action mailed on August 8, 2006, for U.S. Application No. 10/519,121 filed on December 23, 2004, 8 pages.	
24.	U.S. Office Action mailed on January 31, 2007, for U.S. Application No. 11/078,083 filed on March 11, 2005, 16 pages.	
25.	U.S. Office Action mailed on May 17, 2007, for U.S. Application No. 10/407,435 filed on April 4, 2003, 15 pages.	
26.	U.S. Office Action mailed on August 24, 2006, for U.S. Application No. 10/407,435 filed on April 4, 2003, 9 pages.	
27.	U.S. Office Action mailed on January 19, 2007, for U.S. Application No. 10,872,280 filed on June 17, 2004, 5 pages.	
28.	U.S. Office Action mailed on June 9, 2006, for U.S. Application No. 10,872,280 filed on June 17, 2004, 6 pages.	
29.	U.S. Office Action mailed on June 20, 2005, for U.S. Application No. 10,872,280 filed on June 17, 2004, 9 pages.	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
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sf-2338172



JUL 23 2007

PTO/SB/21 (08-03)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/701,990
		Filing Date	November 4, 2003
		First Named Inventor	Marc K. HELLERSTEIN
		Art Unit	1657
		Examiner Name	R. Gitomer
Total Number of Pages in This Submission	6+ 15 refs	Attorney Docket Number	416272005200

### ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal, in duplicate for fee processing - 2 pages	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	1. One copy of 15 Cited References
<input checked="" type="checkbox"/> Information Disclosure Statement w/ Form PTO/SB/08a/b (5 pages)	<input type="checkbox"/> CD, Number of CD(s) _____	2. Return Receipt Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
<b>Remarks</b>		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP (Customer No. 20872) Michael R. Ward - 38,651
Signature	
Date	July 20, 2007

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 20, 2007

Signature: (Leah Kjellen)